

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------|---|----------------------|
| PATRICK RONALD RUSSELL, |) | |
| |) | |
| Plaintiff, |) | 4:09CV3249 |
| |) | |
| v. |) | |
| |) | |
| ROBERT HOUSTON, DENNIS |) | MEMORANDUM AND ORDER |
| BAKEWELL, MELVIN ROUF, |) | |
| CURTIS MOFFAT, MICHAEL |) | |
| EDISON, and MARK DANNER, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the Defendants' Motion for Leave to Depose, (filing no. [44](#)). In their Motion, Defendants seek to depose Plaintiff, Patrick Ronald Russell, and a witness, Thomas Nesbitt, inmates in the custody of the Nebraska Department of Correctional Services.

[Federal Rule of Civil Procedure Rule 30\(a\)\(2\)\(B\)](#) states that a party must obtain leave of court to depose a person confined in prison. Leave shall be granted to the extent consistent with the principles stated in Rule 26(b)(2). [Fed.R.Civ.P. 30\(a\)\(2\)](#). Defendants' Motion is granted, and the depositions may proceed at a time and place agreeable to the administration of the penal facilities where the inmates are housed.

IT IS THEREFORE ORDERED that Defendants' Motion for Leave to Depose (filing no. [44](#)) is granted.

DATED this 3rd day of November, 2010.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge